STATE OF MICHIGAN

COURT OF APPEALS

MICHELLE PERKINS,

Plaintiff-Appellant,

v

HYDRONIC COMPONENTS, INC.,

Defendant-Appellee.

UNPUBLISHED
October 26, 2001

No. 225233
Oakland Circuit Court
LC No. 99-015136-CZ

Before: Whitbeck, P.J., and Neff and Hoekstra, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10) in this employment discrimination action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court's ruling on a motion for summary disposition is reviewed de novo. *Gibson v Neelis,* 227 Mich App 187, 189; 575 NW2d 313 (1997). A motion brought under MCR 2.116(C)(10) tests the factual support for a claim. In ruling on such a motion, the trial court must consider not only the pleadings, but also depositions, affidavits, admissions and other documentary evidence, MCR 2.116(G)(5), and must give the benefit of any reasonable doubt to the nonmoving party, being liberal in finding a genuine issue of material fact. Summary disposition is appropriate if the opposing party fails to present documentary evidence establishing the existence of a material factual dispute. *Smith v Globe Life Ins Co,* 460 Mich 446, 455; 597 NW2d 28 (1999).

To prove intentional discrimination, the plaintiff must show that she was a member of a protected class, that she was discharged or otherwise subjected to an adverse employment action, that the defendant was predisposed to discriminate against persons in the plaintiff's class, and that the defendant acted upon that predisposition in taking the adverse employment action. *Wilcoxon v Minnesota Mining & Mfg Co,* 235 Mich App 347, 360-361; 597 NW2d 250 (1999). Although the plaintiff's sex need not be the only reason for the plaintiff's discharge, there must be evidence that it was a substantial or motivating factor in defendant's decision to discharge her. *Id*.; *Harrison v Olde Financial Corp,* 225 Mich App 601, 610-611; 572 NW2d 679 (1997).

The evidence, when taken in a light most favorable to plaintiff, showed that the president of the company, who made the decision to fire her, made some derogatory comments about plaintiff based on her sex. However, there was no evidence that the comments were made in

connection with the decision to fire her or in discussions relating thereto, and, thus, they are not evidence that any discriminatory animus was a factor in the adverse employment decision. See *id*. at 613 (a plaintiff must establish "direct proof that the discriminatory animus was causally related to the decisionmaker's action"). Accordingly, we find that the trial court did not err in granting defendant's motion.

Affirmed.

/s/ William C. Whitbeck
/s/ Janet T. Neff
/s/ Joel P. Hoekstra